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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,954	08/04/2000	Darryl Black	10,0779	1072
22474	7590	08/16/2006	EXAMINER	
DOUGHERTY CLEMENTS 1901 ROXBOROUGH ROAD SUITE 300 CHARLOTTE, NC 28211			NGUYEN, STEVEN H D	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

28

Office Action Summary	Application No. 09/632,954	Applicant(s) BLACK ET AL.	
	Examiner Steven HD Nguyen	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 19 objected to because of the following informalities: Line 10, 'capable of ' should be removed because it may be happen and may be not. Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-21, 23-26 and 28 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter because the claimed invention is not limited to a practical application. Viewed as a whole, the claimed invention merely expresses a method for creating the user profiles with access security levels to configure the network device by manipulating the data structure. Therefore, it does not impart any function to the processing system, i.e., the claimed invention is not practical applied. Instead, the claimed invention merely describes a method for creating the user profile with access security level to configure the network device by manipulating the data structure without a post solution activity. The other three § 101 classes of machine, compositions of matter and manufactures can be group as product claims, and the product classes have required physical structure or material. The claimed invention does not itself perform any useful concrete and tangible result, i.e., no post solution activity, and thus does not fit within the definition of a machine. In addition, the claimed invention is an abstract ideas because it's just a method for creating the user profiles with access security levels to configure

the network device by manipulating the data structure; Therefore, the claimed process do not fall within the product classes, machine and composition of matter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-26 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Daly (USP 5748896) in view of Barkley (USP 6202066) and Lewis (USP 6202066).

Regarding claims 1, 4-7, 19, 21, 23 and 28, Daly discloses (Figs 1-11 and col. 1, lines 5 to col. 18, lines 67) a method of managing a telecommunications network comprising generating a plurality of user profiles each providing network management access to a user; each profile defining network management capabilities assigned to a respective user; adding a user profile to a network management system (Fig 5a, new user button is used to add new user profile); editing

Art Unit: 2616

parameters within the user profile to establish management capabilities assigned to one or more users associated with the profile (Fig 5b-3 and Fig 5c used to edit the parameters for allowing the user to established management capabilities), and a list of network devices being managed or configuring through the scope of user profile (Fig 5a, 5B-1 and 5B-3 which include the servers that allows the user to set access level such read and write or read only; see col. 10, lines 28-66, col. 12, lines 8-21; col. 12, lines 66 to col. 13, lines 28); receiving input from a user through the user interface; configuring a network device “server which forwards the requested information by generating the data packets” from the list of network devices within the user profile in accordance with the management capabilities in the user profile (col. 12, lines 8-21, the user configures the hard drive or folder to be shared with the other users and set access level for the interface); provisioning services within a network device from the list of network devices within the user profile in accordance with the management capabilities in the user profile (col. 12, lines 8-21 discloses a network device is provisioned into a plurality of network services; Fig 5B-1) and assigning an access level comprises assigning an administrator access level to permit a user to read and write physical and logical objects; a provisioned access level to permit a user to read physical objects and read and write logical objects; a customer access level to permit a user to read their logical objects (Fig 5b-3). However, Daly does not disclose a management method for configuring the physical and logical of network devices and generating a group access level for various management capabilities wherein a level has a group name with an associated list of network devices. In the same field of endeavor, Barkley discloses generating a group access level for various management capabilities wherein a level has a group name with an associated list of network devices and assigning an access level corresponding to specific management

capabilities (Figs 2-3, group name “account_rep”, group access level Directory and file permissions, Figs 4-5 group name branch_manager and access level read, write, Col. 1, lines 18-54, col. 2, lines 47-58, Col. 5, lines 65 to col. 7, lines 41, discloses a group access level is created with various different management capability such as read and write, col. 9, lines 48-60).

However, Daly and Barkley do not disclose a management method for configuring the physical and logical of network devices. In the same field of endeavor, Lewis discloses a management method which allows a user in the administrator group to configure the physical and logical of the switches, routers, bridges and hubs in the network based on the administrator profile which has an access right and provision the services within a network device (Col. 1, lines 25-67, Col. 3, lines 42 to col. 4, line 4, col. 5, lines 44-60).

Since, Daly suggests a flexible method and system for integrating a new management method, device into a network without re-implementing the network and creating a group, and Barkley suggests a method and system that generates a group access level and assigning a group name in a level with various level management for the list of resources. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method for configuring the physically and logically of the network devices as disclosed by Lewis into the system and method of Barkley which teaches a method and system for generating a group access level with managing capabilities into the method and system of Daly. The motivation would have been to provide a security for the network.

Regarding claims 2 and 18, Daly discloses providing network management access further comprises displaying a user interface is a graphical user interface (GUI) in accordance with the user profile (Fig 5).

Regarding claims 3 and 20, Daly discloses the network management system includes a plurality of user profiles and receiving a user name and password; comparing the received user name and password against user names and passwords stored in the plurality of user profiles; and displaying a user interface in accordance with a user profile including the received user name and password (Col 10, lines 45-54).

Regarding claim 14-17, Daly discloses setting network management policy flags within the user profile for setting a password control policy flag to enable a user to change a password within the user profile; setting an account disabled policy flag to disable the user profile and prevent access; setting an add device policy flag to enable a user to add network devices to the list of devices capable of being managed through the user profile (Fig 5 discloses a user set the flag for in the use profile for changing password, disable account and adding a network device).

Regarding claim 25, Daly discloses receiving user profile data from a user and modifying parameters within the user profile in accordance with the received user profile data (Fig 5c, receiving the parameters of the user profiles from the user and modifying the parameters in the user profile database according to the received information such password).

Regarding claim 26, Daly discloses copying the user profile to another user profile; and editing parameters within the other user profile to establish management capabilities and a list of network devices capable of being managed through the other user profile (Fig 5, Duplicate USER and modifying the parameters to create a new user).

Regarding claims 8-11, Daly, Barkley and Lewis fail to disclose the claimed invention. However, the examiner takes an official notice that an advantage of providing a list of network address of the network devices wherein listing network devices further comprises listing an

Art Unit: 2616

SNMP community string, retry value, timeout for each network device are well known and expected in the art at the time of invention was made to manage the network devices on the network.

Regarding claims 12-13, Daly, Barkley and Lewis fail to fully disclose the claimed invention. However, the examiner takes an official notice that a method and advantage of designating a primary and secondary network management server associated with the user profile are well known in the art at the time of invention was made to implement a primary and backup server for allowing the user to access the network. The motivation would have been to reduce a down time of the network.

Regarding claim 22, Daly, Barkley and Lewis fail to fully disclose claimed invention. However, the examiner takes an official notice that a method and advantage for enabling or disabling a port of the network device is well known and expected in the art at the time of invention was made to provide a network security.

Regarding claim 24, Daly, Barkley and Lewis fail to disclose the claimed invention. However, a method and system for allowing a network administrator to set up a SONET path within the network device is well known and expected in the art at the time of invention was made to implement a function into a terminal for allowing a user to set a SONET path according to the access level which is defined in the access control list.

Response to Arguments

6. Applicant's arguments filed 6/8/06 have been fully considered but they are not persuasive.

The applicant states that Daly fails to disclose assigning administrator, provisioner or customer access level to read/write the physical and logical objects. In reply, Barkley discloses a method and system for assigning a group access level to the users within a group name to read/write physical and logical objects (Fig 4-5 and Sec 5 of the office action). Therefore, it would have been obvious to one of ordinary skill in the art to apply this teaching into the teaching of Day in order to low the cost of security administration and improving its reliability. Futhermore, the applicant states that Lewis does not allow an user to read/write the physical/logical object. In reply, Lewis discloses a user with access level such read/write into the physical and logical object (See col. 1, lines 37-62, an user load read the configured file from a physical/logical object and editing the file and saving it, so the user has an access level to read/write and configure a network device). So, the teaching of the references performs the claimed invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Steven HD Nguyen', is positioned above the printed name.

Steven HD Nguyen
Primary Examiner
Art Unit 2616
August 11, 2006